

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**RECOMMENDATION REGARDING MOTION
TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

The undersigned magistrate judge has considered Plaintiff's application for leave to proceed *in forma pauperis* on appeal, the certified trust fund account statement or institutional equivalent, and all consents and other documents required by the agency having custody of the appellant to withdraw funds from the account.

- () The application for leave to proceed *in forma pauperis* on appeal pursuant to 28 U.S.C. § 1915 should be GRANTED.

() The Plaintiff should be assessed an initial partial appellate fee of \$ _____. *See* 28 U.S.C. § 1915(b)(1).

() The Plaintiff should not be assessed an initial partial appellate fee. *See* 28 U.S.C. § 1915(b)(1).

() The plaintiff should pay \$ _____, the balance of the appellate filing fee, in monthly installments. *See* 28 U.S.C. § 1915(b)(2)

(X) The application for leave to proceed *in forma pauperis* on appeal should be DENIED for the following reasons:

() The Plaintiff is not a pauper.

() The Plaintiff has not complied with the requirements of 28 U.S.C. § 1915(a)(1) or (a)(2). *See* Notice of Deficiency and Order filed on _____.

(X) Pursuant to 28 U.S.C. § 1915(a)(3) and Fed. R. App. P. 24(a)(3), for the reasons set forth in the Findings, Conclusions, and Recommendation of

the United States Magistrate Judge, dated July 16, 2013, the Court should certify that the appeal is not taken in good faith.

A copy of this recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

DATED: October 11, 2013



DAVID L. HORAN
UNITED STATES MAGISTRATE JUDGE